

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Rebecca J. Rodenas,	:	Case No. 1:13-cv-538
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
Commissioner of Social Security,	:	
	:	
Defendant.	:	

ORDER

Before the Court is the motion for an award of attorney's fees pursuant to the Social Security Act, 42 U.S.C. §406(b). (Doc. 20) Plaintiff's counsel seeks an award of fees under that statute in the amount of \$7,571.00. Plaintiff was found to be disabled as of April 2009, and was awarded past-due benefits. The Administration withheld 25% of those benefits, or \$14,071.25, to be applied towards Plaintiff's attorney's fees.

Plaintiff's counsel spent 23.50 hours on this case, and the Court previously approved these hours spent in awarding a fee of \$4,230 under the Equal Access to Justice Act. (Doc. 18) Counsel's usual hourly rate is \$350.00, which is well within the reasonable range of rates for lawyers with his experience in this community. The amount requested would not result in a windfall to counsel. In addition, counsel states that if he is awarded the requested fees under Section 406(b), he will refund to Plaintiff the EAJA fees previously awarded. The Court also notes that the Commissioner has responded to the pending fee motion, stating that she does not object to the requested fee. (Doc. 21)

Therefore, the Court finds that the amount of fees requested by counsel is

reasonable. Counsel shall refund to Plaintiff the amount previously awarded under the EAJA, of \$4,230.00. On that condition, the Court grants the motion, and awards attorney's fees under 42 U.S.C. §406(b) in the amount of \$7,571.00.

SO ORDERED.

DATED: June 8, 2015

s/Sandra S. Beckwith
Sandra S. Beckwith, Senior Judge
United States District Court